

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
 (Under 37 CFR 1.97(b) or 1.97(c))

 Docket No.
 18086 (PC27339A)

In Re Application Of: Maria Cristina Geroni, et al.

AUG 05 2005

 Application No.
 10/535,017

Filing Date

April 28, 2005

Examiner

Unassigned

Customer No.

23389

Group Art Unit

Unassigned

Confirmation No.

Unassigned

Title:

METHOD FOR OPTIMIZING THERAPEUTIC EFFICACY OF NEMORUBICIN

Address to:

 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

- ☐ the statement specified in 37 CFR 1.97(e);

OR

- ☐ the fee set forth in 37 CFR 1.17(p).

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Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of _____
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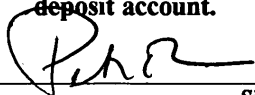
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Peter I. Bernstein
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Signature

Dated: August 3, 2005

Peter I. Bernstein
Registration No. 43,497
Scully, Scott, Murphy & Presser
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516-742-4343

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Maria Cristina Geroni, et al.

Examiner: Unassigned

Serial No.: 10/533,017

Art Unit: Unassigned

Filed: April 28, 2005

Docket: 18086 (PC27339A)

For: METHOD FOR OPTIMIZING
THERAPEUTIC EFFICACY
OF NEMORUBICIN

Dated: August 3, 2005

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:


In accordance with 37 C.F.R. §§1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. European Patent Publication No. 1 088 900 A1, published April 4, 2001;
2. Fraier D. et al., "LC-MS-MS Determination of Nemorubicin (Methoxymorpholinylidoxorubicin, PNU-152243A) and its 13-OH Metabolite (PNU-155051A) in Human Plasma", *Journal of Pharmaceutical and Biomedical Analysis*, 30:377-389 (2002);
3. Rivory L.P. et al., "Optimizing the Erythromycin Breath Test for Use in Cancer Patients", *Clinical Cancer Research*, 6:3480-3485 (2000);

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 3, 2005


Peter I. Bernstein

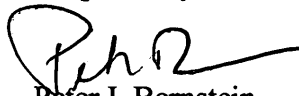
4. Rivory L.P. et al., "Hepatic Cytochrome P450 3A Drug Metabolism is Reduced in Cancer Patients Who Have an Acute-Phase Response", *British Journal of Cancer*, 87(3):277-280 (2002);
5. Hirth J. et al., "The Effect of an Individual's Cytochrome CYP3A4 Activity on Docetaxel Clearance", *Clinical Cancer Research*, 6:1255-1258 (2000);
6. Martinez C. et al., "Expression of Paclitaxel-Inactivating CYP3A Activity in Human Colorectal Cancer: Implications for Drug Therapy", *British Journal of Cancer*, 87(6):681-686 (2002);
7. Quintieri L. et al., "*In Vivo* Antitumor Activity and Host Toxicity of Methoxymorpholinyl Doxorubicin: Role of Cytochrome P450 3A", *Cancer Research*, 60:3232-3238 (2000);
8. PCT International Publication No. WO 01/58444 A1, published August 16, 2001;
9. PCT International Publication No. WO 02/088714 A2, published November 7, 2002;
10. Nelson D.R. et al., "P450 Superfamily: Update on New Sequences, Gene Mapping, Accession Numbers and Nomenclature", *Pharmacogenetics*, 6:1-42 (1996);
11. de Waziers et al., "Cytochrome P450 Isoenzymes, Epoxide Hydrolase and Glutathione Transferases in Rat and Human Hepatic and Extrahepatic Tissues", *The Journal of Pharmacology and Experimental Therapeutics*, 253(1):387-394 (1990);
12. Chang T.K.H. et al., "Differential Activation of Cyclophosphamide and Ifosfamide by Cytochromes P-450 and 3A in Human Liver Microsomes", *Cancer Research*, 53:5629-5637 (1993);
13. Kivistö K.T. et al., "The Role of Human Cytochrome P450 Enzymes in the Metabolism of Anticancer Agents: Implications for Drug Interactions", *British Journal of Clinical Pharmacology*, 40:523-530 (1995);
14. Shimada T. et al., "Interindividual Variations in Human Liver Cytochrome P-450 Enzymes Involved in the Oxidation of Drugs, Carcinogens and Toxic Chemicals: Studies with Liver Microsomes of 30 Japanese and 30 Caucasians", *The Journal of Pharmacology and Experimental Therapeutics*, 270(1):414-423 (1994);

15. Murray A. et al., "Study of the Immunohistochemistry and T Cell Clonality of Enteropathy-Associated T Cell Lymphoma", *American Journal of Pathology*, 146(2):509-519 (1995);
16. Waxman D.J. et al., "P450 Gene Induction by Structurally Diverse Xenochmeicals: Central Role of Nuclear Receptors CAR, PXR, and PRAR", *Archives of Biochemistry and Biophysics*, 369(1):11-23 (1999); and
17. Geroni C. et al., "Methoxymorpholinylx (FCE23762, PNU152243) Metabolism: Isolation, Structure Identification, and Biological Characterization of Active Metabolites", *Proceedings of the American Association for Cancer Research*, 38:234 (1997).

Reference Nos. 1-9 were cited in a Search Report dated April 16, 2004 received from the European Patent Office. Applicants are submitting copies of the above-cited references, together with a copy of the Search Report. The relevance of above-identified reference nos. 1-9 has been described in the Search Report. The relevance of above-identified reference nos. 3, 10-17 has been described in the specification.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(b), no statement or fee is required.

Respectfully submitted,



Peter I. Bernstein

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PIB:dg

Form PTO-1449
(REV. 7-80) U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**LIST OF PRIOR ART
CITED BY APPLICANT**

(Use several sheets if necessary)

Atty. Docket No. (Optional)

18086 (PC27339A)

Application Number

10/533,017

Applicant(s)

Maria Cristina Geroni, et al.

Filing Date

April 28, 2005

Group Art Unit

Unassigned

FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	1 088 900 A1	4/4/01	EPO			√	
	WO 01/58444 A1	8/16/01	PCT			√	
	WO 02/088714 A2	11/7/02	PCT			√	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Fraier D. et al., "LC-MS-MS Determination of Nemorubicin (Methoxymorpholinyl doxorubicin, PNU-152243A) and its 13-OH Metabolite (PNU-155051A) in Human Plasma", <i>Journal of Pharmaceutical and Biomedical Analysis</i> , 30:377-389 (2002)
		Rivory L.P. et al., "Optimizing the Erythromycin Breath Test for Use in Cancer Patients", <i>Clinical Cancer Research</i> , 6:3480-3485 (2000)
		Rivory L.P. et al., "Hepatic Cytochrome P450 3A Drug Metabolism is Reduced in Cancer Patients Who Have an Acute-Phase Response", <i>British Journal of Cancer</i> , 87(3):277-280 (2002)
		Hirth J. et al., "The Effect of an Individual's Cytochrome CYP3A4 Activity on Docetaxel Clearance", <i>Clinical Cancer Research</i> , 6:1255-1258 (2000)
		Martinez C. et al., "Expression of Paclitaxel-Inactivating CYP3A Activity in Human Colorectal Cancer: Implications for Drug Therapy", <i>British Journal of Cancer</i> , 87(6):681-686 (2002)
		Quintieri L. et al., "In Vivo Antitumor Activity and Host Toxicity of Methoxymorpholinyl Doxorubicin: Role of Cytochrome P450 3A", <i>Cancer Research</i> , 60:3232-3238 (2000)

EXAMINER**DATE CONSIDERED**

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (REV. 7-80) PATENT AND TRADEMARK OFFICE		Atty. Docket No. (Optional) 18086 (PC27339A)	Application Number 10/533,017
LIST OF PRIOR ART CITED BY APPLICANT <i>(Use several sheets if necessary)</i>		Applicant(s) Maria Cristina Geroni, et al.	
		Filing Date April 28, 2005	Group Art Unit Unassigned
		OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>	
		Nelson D.R. et al., "P450 Superfamily: Update on New Sequences, Gene Mapping, Accession Numbers and Nomenclature", <i>Pharmacogenetics</i> , 6:1-42 (1996)	
		de Waziers et al., "Cytochrome P450 Isoenzymes, Epoxide Hydrolase and Glutathione Transferases in Rat and Human Hepatic and Extrahepatic Tissues", <i>The Journal of Pharmacology and Experimental Therapeutics</i> , 253(1):387-394 (1990)	
		Chang T.K.H. et al., "Differential Activation of Cyclophosphamide and Ifosphamide by Cytochromes P-450 and 3A in Human Liver Microsomes", <i>Cancer Research</i> , 53:5629-5637 (1993)	
		Kivistö K.T. et al., "The Role of Human Cytochrome P450 Enzymes in the Metabolism of Anticancer Agents: Implications for Drug Interactions", <i>British Journal of Clinical Pharmacology</i> , 40:523-530 (1995)	
		Shimada T. et al., "Interindividual Variations in Human Liver Cytochrome P-450 Enzymes Involved in the Oxidation of Drugs, Carcinogens and Toxic Chemicals: Studies with Liver Microsomes of 30 Japanese and 30 Caucasians", <i>The Journal of Pharmacology and Experimental Therapeutics</i> , 270(1):414-423 (1994)	
		Murray A. et al., "Study of the Immunohistochemistry and T Cell Clonality of Enteropathy-Associated T Cell Lymphoma", <i>American Journal of Pathology</i> , 146(2):509-519 (1995)	
		Waxman D.J. et al., "P450 Gene Induction by Structurally Diverse Xenochmeicals: Central Role of Nuclear Receptors CAR, PXR, and PRAR", <i>Archives of Biochemistry and Biophysics</i> , 369(1):11-23 (1999)	
		Geroni C. et al., "Methoxymorpholinyl dx (FCE23762, PNU152243) Metabolism: Isolation, Structure Identification, and Biological Characterization of Active Metabolites", <i>Proceedings of the American Association for Cancer Research</i> , 38:234 (1997)	
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